

J. Michael Brown
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERICA NUNEZ,

Plaintiff,

v.

COUNTY OF SAN JOAQUIN, et.al.

Defendants.

Case No.: 2:21-CV-00002-TLN - DB

STIPULATION AND ORDER FOR
DISMISSAL OF PLAINTIFF'S FIRST
CAUSE OF ACTION AGAINST THE
COUNTY OF SAN JOAQUIN AND FOR
REMAND OF ACTION TO SUPERIOR
COURT OF CALIFORNIA, COUNTY OF
SAN JOAQUIN

TO THE ABOVE ENTITLED COURT AND TO ALL PARTIES TO THE ABOVE
ENTITLED MATTER, PLEASE TAKE NOTICE:

WHEREAS, Plaintiff Erika Nunez ("Plaintiff" or "Nunez") initially filed this action
in the Superior Court of California, County of San Joaquin as Case No. STK-CV-UCR-
2020-004854 on June 12, 2020;

WHEREAS, on December 30, 2020, Defendant County of San Joaquin timely filed
a notice of removal pursuant to 28 U.S.C. § 1331 with the United States District Court,
Eastern District of California (Dkt. No. 1) and also timely notified the Superior Court of
California, County of San Joaquin of the removal;

WHEREAS, Plaintiff Erika Nunez and Defendant County of San Joaquin hereby
stipulate and agree, pursuant to Federal Rule of Civil Procedure Rule 41, subdivision
(a)(1)(A)(ii), to dismissal of the first cause of action of the above entitled matter, "Violation
of Civil Rights, 42 USC §1983 and 42 USC §1985," in its entirety as to all Defendants

Stipulation to Dismiss and Remand

1 against whom it is properly alleged, with prejudice;

2 WHEREAS, the Parties further stipulate and agree that dismissal of the first cause
3 of action will eliminate the lone cause of action implicating the federal Court's original
4 jurisdiction, pursuant to 28 U.S.C. § 1331;

5 WHEREAS, the Parties further stipulate and agree that it is appropriate for this Court
6 to decline to continue to exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367
7 over the remaining claims;

8 WHEREAS, the Parties stipulate and agree that after dismissal of the first cause of
9 action, with prejudice, the above entitled matter may and shall be remanded to the Superior
10 Court of the State of California, County of San Joaquin.

11 IT IS SO STIPULATED.

12 Dated: December 29, 2021.

13
14 /s/ J. Michael Brown
15 J. MICHAEL BROWN
16 Attorney for Plaintiff

17 Dated: December 29, 2021.

18 MAYALL HURLEY
19 A Professional Corporation

20 /s/ Jenny D. Baysinger
21 By: JENNY D. BAYSINGER
22 Attorneys for Defendant
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ORDER

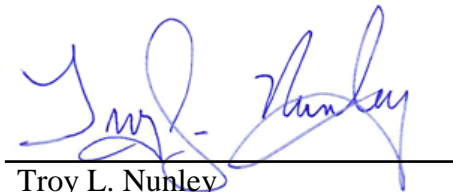
Based upon the Stipulation of the Parties, and good cause appearing therefore, the Court orders as follows:

1. The first cause of action, “Violation of Civil Rights, 42 USC §1983 and 42 USC §1985” is hereby dismissed as to all parties with prejudice.

2. The Court declines to continue its exercise of supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over the remaining claims and hereby remands the matter to the Superior Court of California, County of San Joaquin.

IT IS SO ORDERED:

Dated: January 3, 2022



Troy L. Nunley
United States District Judge